

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HERMON-TAYLOR et al.

Atty. Ref.: 117-501

Serial No. Div. of 09/705,911

Group: Unassigned

Filed: March 22, 2004

Examiner: Unassigned

For: NOVEL POLYNUCLEOTIDES AND POLYPEPTIDES IN
PATHOGENIC MYCOBACTERIA AND THEIR USE AS
DIAGNOSTICS, VACCINES AND TARGETS FOR
CHEMOTHERAPY

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 22, 2004

Sir:

INFORMATION DISCLOSURE STATEMENT

- ☒ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**
[within 3 months of filing or prior to 1st Office Action on the merits]
N/C
- ☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
N/C
- ☐ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**
[after Final Office Action or Allowance (requires Rule 97(e)
Statement and Rule 17(p) fee), but before final fee payment]
\$180.00

The following are submitted in the above-identified application in compliance with
37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith. Copies of the cited documents are not believed to be required as the same are of record in the parent Application Serial No. 09/705,911. The Examiner is requested to advise the undersigned however if further copies of the cited documents are required.

This paper is submitted in accordance with:

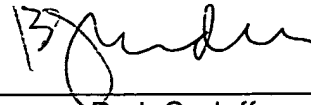
- ☒ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- ☐ a) The required Statement made in item 8 below; or
- ☐ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
- ☐ b) The required Statement is stated in item 8 below.
- ☐ 8. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or
- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart

foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

- ☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: _____



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INFORMATION DISCLOSURE CITATION	ATTY. DOCKET NO.	SERIAL NO.
	117-501	Div. of 09/705,911
(Use several sheets if necessary)	APPLICANT	
	HERMON-TAYLOR et al.	
	FILING DATE	GROUP
	March 22, 2004	Unassigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,156,322	12/2000	Hermon-Taylor et al			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
WO 95 01441 A	1/1995	WIPO			
WO 94 26312 A	11/1994	WIPO			
2 682 967 A	4/1993	France			
0 288 306 A	10/1998	EP			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	Database EMBL, Entry MT024, Accession number U00024, 5.Jan.1995 nt.15203-15934 100% homology with SeqID:36 nt.14306-15133 100% homology with SeqID:38 XP002033471 cited in the application
	Database EMBL, Entry MTCY277, Accession number Z79701, 18.Sep.1996 nt.34705-36493 100% homology with SeqID:30 nt.31972-32994 100% homology with SeqID:32 nt.33956-34687 100% homology with SeqID:34 XP002033472 cited in the application.
	Database EMBL, Entry MTAD1, Accession number AD000001, 15.Dec.1996 nt.6775-7562 100% homology with Seq.ID:30 nt.9273-10295 100% homology with Seq.ID:32 7580-8311 100% homology with Seq.ID:34 XP002033473.
	Database EMBL, Entry MTCY349, Accession number Z83018, 26.Nov.1996 nt.34695-35426 100% homology with SeqID:36 nt.33797-34624 100% homology with SeqID:38 XP002033474.
	Database EMBL, Entry MTAD9, Accession number AD000009, 15.Dec.1996 nt.15203-15934 100% homology with SeqID:36 nt.14306-15133 100% homology with SeqID:38 XP002033475.
	VACCINE, vol. 12, no. 16, 1994, pages 1537-1540, XP002026338 LOWRIE D B ET AL: "TOWARDS A DNA VACCINE AGAINST TUBERCULOSIS" see page 1537 - page 1538.
	NATURE, vol. 351, no. 6326, 6 June 1991, pages 456-460, XP000605495 STOVER C K ET AL: "NEW USE OF BCG FOR RECOMBINANT VACCINES" see page 456 - page 457
*Examiner	Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

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FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	Belisle, J. T. et al, "Isolation and Expression of a Gene Cluster Responsible for Biosynthesis of the Glycopeptidolipid Antigens of <i>Mycobacterium avium</i> ." J. Bacteriol. 1991, 173; 6991-6997.
	Belisle, J. T. et al, "Rough Morphological Variants of <i>Mycobacterium avium</i> . Characterisation of Genomic Deletions Resulting in the loss of Glycopeptidolipid Expression", J. Biological Chem. 1993, 268; 10517-10523.
	Mills, J.A. et al, "Loci of <i>Mycobacterium avium</i> ser2 Gene Cluster and their Functions", J. Bacteriol. 1994, 176; 4803-4808.
	Chemical Abstracts, vol. 74, no. 5, 1 February 1991 (1971-02-01) Columbus Ohio, US; abstract no. 20614, Khachatryan, A.A. et al: "Formation of acylases by hydrocarbon-oxidizing microorganisms" XP002190388 abstract & Biol. ZH. Arm. (1990), 23(7), 40-7.
*Examiner	Date Considered

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Form PTO-FB-A820 (Also PTO-144)